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## NOTICE OF ALLOWANCE AND FEE(S) DUE

530

7590

12/22/2009

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

EXAMINER

SU, SARAH

ART UNIT

PAPER NUMBER

2431

DATE MAILED: 12/22/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,651	01/30/2006	Kazuo Omori	SONY JP 3.3-328	2255

TITLE OF INVENTION: DATA PROCESSING METHOD, PROGRAM OF THE SAME, AND DEVICE OF THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/22/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or Fax **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

530 7590 12/22/2009

**LERNER, DAVID, LITTENBERG,  
 KRUMHOLZ & MENTLIK  
 600 SOUTH AVENUE WEST  
 WESTFIELD, NJ 07090**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,651	01/30/2006	Kazuo Omori	SONY JP 3.3-328	2255

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/22/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
SU, SARAH	2431	713-169000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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530	7590	12/22/2009	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			SU, SARAH	
			ART UNIT	PAPER NUMBER
			2431	
DATE MAILED: 12/22/2009				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 335 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 335 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/527,651

**Applicant(s)**

OMORI ET AL.

**Examiner**

Sarah Su

**Art Unit**

2431

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 16 November 2009.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Sarah Su/  
Examiner, Art Unit 2431

**NOTICE OF ALLOWANCE**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 November 2009 has been entered. In this amendment, claims 1-23, 26, 27, and 30 have been amended.
2. Claims 1-30 are presented for examination.

***Response to Arguments***

3. With regards to the objection to the claims, the applicant has submitted amendments, and the examiner hereby withdraws the objection.
4. Applicant's arguments with respect to the objection of the specification have been fully considered and are persuasive. The objection of 11 May 2009 has been withdrawn.
5. Applicant's arguments with respect to the rejection of claims 1-30 have been fully considered and are persuasive. The rejection of 11 May 2009 has been withdrawn.

### **EXAMINER'S AMENDMENT**

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 13, line 11: delete ~~—designated the key designation data—~~ and insert “designated by the key designation data”.

### ***Allowable Subject Matter***

7. Claims 1-30 are allowed.

8. The following is an examiner's statement of reasons for allowance:

Claim 1 discloses of “a first step by which the first data processing device uses the first authentication key data, wherein the first authentication key data is from an integrated circuit device and had been generated using key data designated by key designation data, and the second processing device uses the second authentication key data, wherein the second authentication key data is generated in the second data processing device using the key data designated by the key designation data which has been communicated to the second data processing device and is from the IC device, and authentication is performed between the first data processing device and the

second data processing device.” This feature, in combination with the other limitations in the claims, is not anticipated by, nor made obvious over, the prior art of record.

Claim 5 discloses of “a first data processing device holding first authentication key data and encryption key data, wherein the first authentication key data is from an integrated circuit device and had been generated using key data designated by key designation data, and a second data processing device holding second authentication key data corresponding to the first authentication key data, and decryption key data corresponding to the encryption key data, wherein the second authentication key data is generated in the second data processing device using the key data designated by the key designation data which has been communicated to the second data processing device and is from the IC device.” This feature, in combination with the other limitations in the claims, is not anticipated by, nor made obvious over, the prior art of record.

Claims 6 and 9 disclose of “a first step of performing authentication with an authenticated side by using the first authentication key data, wherein the first authentication key data is from an integrated circuit device and had been generated using key data designated by key designation data, and wherein the authenticated side uses second authentication key data generated by authenticating means in the authenticated side using the key data designated by the key designation data which has been communicated to the authenticated side and is from the IC device.” This feature, in combination with the other limitations in the claims, is not anticipated by, nor made obvious over, the prior art of record.

Claim 8 discloses of "storing means for storing first authentication key data and encryption key data, wherein the first authentication key data is from an integrated circuit device and had been generated using key data designated by key designation data" and "first authentication means for performing authentication with the authenticated side by using second authentication key data, wherein second authentication means in the authenticated side generates the second authentication key data using the key data designated by the key designation data which has been communicated to the authenticated side and is from the IC device." These features, in combination with the other limitations in the claims, are not anticipated by, nor made obvious over, the prior art of record.

Claim 10 discloses of "a first step of performing authentication with means to be authenticated by using second authentication key data, wherein the second authentication key data is generated in authenticating means of the data processing device from key data designated by key designation data which has been communicated to the means to be authenticated and is from an integrated circuit device, and wherein the IC device includes first authentication key data generated using the key data designated by the key designation data." This feature, in combination with the other limitations in the claims, is not anticipated by, nor made obvious over, the prior art of record.

Claim 13 discloses of "authenticating means for authenticating with means to be authenticated by using second authentication key data, wherein the second authentication key data is generated in the authenticating means from key data



designated by key designation data which has been communicated to the data processing device and is from an integrated circuit device, and wherein the IC device includes first authentication key data generated using the key data designated by the key designation data." This feature, in combination with the other limitations in the claims, is not anticipated by, nor made obvious over, the prior art of record.

Claim 14 discloses of "a first step of performing authentication with means to be authenticated by using second authentication key data, wherein the second authentication key data is generated in the data processing device from key data designated by key designation data which has been communicated to the data processing device and is from an integrated circuit device, and wherein the IC device includes first authentication key data generated using the key data designated by the key designation data." This feature, in combination with the other limitations in the claims, is not anticipated by, nor made obvious over, the prior art of record.

Claim 23 discloses of "retrieving first authentication key data and key designation data from an integrated circuit device of a mobile communication device, wherein the first authentication key data had been generated using key data designated by the key designation data" and "using the first authentication key data at a first data processing device and second authentication key data at a second data processing device to perform authentication between the first data processing device and the second data processing device, wherein the second authentication key data is generated at the second data processing device using the key data designated by the key designation data which has been communicated to the second processing device and is from the IC

device." These features, in combination with the other limitations in the claims, are not anticipated by, nor made obvious over, the prior art of record.

Claim 27 discloses of "a first data processing device holding first authentication key data, wherein the first authentication key data is from an integrated circuit device of a mobile communication device and had been generated using key data designated by key designation data, and a second data processing device holding second authentication key data, wherein the second authentication key data is generated in the second data processing device using the key data designated by the key designation data which has been communicated to the second data processing device and is from the IC device of the mobile communication device." This feature, in combination with the other limitations in the claims, is not anticipated by, nor made obvious over, the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Asada (US 2001/0041593 A1) discloses a system and method for data concealing with a mobile communication device.

- b. Aull et al. (US 2009/0287935 A1) discloses a system and method for common access card heterogeneous authentication.
- c. Benardeau (US Patent 6,813,709 B1) discloses a system and method for recorded digital data protection via media volume.
- d. Buer (US 2007/0241182 A1) discloses a system and method for binding a smartcard and a smartcard reader.
- e. Chan et al. (US Patent 5,850,445) discloses a system and method for authentication key management.
- f. Hendricks et al. (US 2007/0201702 A1) discloses a system and method for electronic book security and copyright protection.
- g. Kusakabe et al. (US RE39,622 E) discloses a system and method for authentication using a plurality of cipher keys.
- h. Nakamura et al. (US 2005/0246553 A1) discloses a system and method for data protection with a mobile terminal.
- i. Nakanishi et al. (US Patent 7,080,259 B1) discloses a system and method for electronic information backup.
- j. Ohran (US 2004/0034752 A1) discloses a system and method for mirroring and archiving mass storage.
- k. Omori et al. (US 2006/0101265 A1) discloses a system and method for mutual authentication using synthetic key data.
- l. Scheidt et al. (US 2007/0014399 A1) discloses a system and method for high assurance key management.

- m. Shona et al. (US Patent 6,018,581) discloses a system and method for maintaining high security.
- n. Verma (US 2008/0056498 A1) discloses a system and method for content protection for OMA broadcast smartcard profiles.
- o. Walmsley et al. (US 2007/0226498 A1) discloses a system and method for validating a device with a pair of integrated circuits.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Su whose telephone number is (571) 270-3835. The examiner can normally be reached on Monday through Friday 7:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William R. Korzuch/  
Supervisory Patent Examiner, Art Unit 2431

/Sarah Su/  
Examiner, Art Unit 2431